

Message Text

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ACTION L-03

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TO SECSTATE WASHDC IMMEDIATE 9520

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E. O. 11652: N/A

TAGS: PFOR, UN

SUBJECT: DEFINITION OF AGGRESSION COMMITTEE: PREAMBLE

1. IN TWO MEETINGS MAY 24, NEWLY-FORMED " DRAFTING
GROUP" REACHED GENERAL AGREEMENT ON PREAMBULAR PORTION
OF DEFINITION. FOLLOWING TEXT AND " COMMENTS" ON THE TEXT
WILL APPEAR IN WG REPORT:

QUOTE

PREAMBULAR PARAGRAPHS

" BASING ITSELF ON THE FACT THAT ONE OF THE FUNDAMENTAL
PURPOSES OF THE UNITED NATIONS IS TO MAINTAIN INTER-
NATIONAL PEACE AND SECURITY AND TO TAKE EFFECTIVE COLLEC-
TIVE MEASURES FOR THE PREVENTION AND REMOVAL OF THREATS
TO THE PEACE, AND FOR THE SUPPRESSION OF ACTS OF AGGRESSION
OR OTHER BREACHES OF THE PEACE,"

" RECALLING THAT ARTICLE 39 OF THE CHARTER STATES
THAT THE SECURITY COUNCIL SHALL DETERMINE THE EXISTENCE
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OF ANY THREAT TO THE PEACE, BREACH OF THE PEACE OR ACT OF AGGRESSION AND SHALL MAKE RECOMMENDATIONS OR DECIDE WHAT MEASURES SHALL BE TAKEN IN ACCORDANCE WITH ARTICLES 41 AND 42 TO MAINTAIN OR RESTORE INTERNATIONAL PEACE AND SECURITY,"

" RECALLING ALSO THE DUTY OF STATES UNDER THE CHARTER OF THE UNITED NATIONS TO SETTLE THEIR INTERNATIONAL DISPUTES BY PEACEFUL MEANS IN ORDER NOT TO ENDANGER INTERNATIONAL PEACE, SECURITY AND JUSTICE.

" BEARING IN MIND THAT NOTHING IN THIS DEFINITION SHALL BE INTERPRETED AS IN ANY WAY EXTENDING OR DIMINISHING THE PROVISIONS OF THE UNITED NATIONS CHARTER WITH RESPECT TO RIGHTS AND DUTIES OF THE ORGANS OF THE UNITED NATIONS,

" CONSIDERING ALSO THAT SINCE AGGRESSION IS THE MOST SERIOUS AND DANGEROUS FORM OF THE ILLEGAL USE OF FORCE, BEING FRAUGHT, IN THE CONDITIONS CREATED BY THE EXISTENCE OF ALL TYPES OF WEAPONS OF MASS DESTRUCTION, WITH THE POSSIBLE THREAT OF A WORLD CONFLICT WITH ALL ITS CATASTROPHIC CONSEQUENCES, AGGRESSION SHOULD BE DEFINED AT THE PRESENT STAGE,

" REAFFIRMING THE DUTY OF STATES NOT TO USE ARMED FORCES TO DEPRIVE PEOPLES OF THEIR RIGHT TO SELF- DETERMINATION AND FREEDOM AND INDEPENDENCE,

" REAFFIRMING ALSO THAT THE TERRITORY OF A STATE SHALL NOT BE VIOLATED BY BEING THE OBJECT, EVEN TEMPORARILY, OF MILITARY OCCUPATION OR OF OTHER MEASURES OF FORCE TAKEN BY ANOTHER STATE IN CONTRAVENTION OF THE CHARTER,

" CONVINCED THAT THE ADOPTION OF A DEFINITION OF AGGRESSION WOULD HAVE A RESTRAINING INFLUENCE ON A POTENTIAL AGGRESSOR, WOULD SIMPLIFY THE DETERMINATION OF ACTS OF AGGRESSION AND THE IMPLEMENTATION OF MEASURES TO STOP THEM AND WOULD ALSO FACILITATE THE PROTECTION OF THE LAWFUL RIGHTS AND INTERESTS OF THE VICTIM AND THE RENDERING OF ASSISTANCE TO THE VICTIM,

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" BELIEVING THAT, ALTHOUGH THE QUESTION WHETHER AN ACT OF AGGRESSION HAS BEEN COMMITTED MUST BE DETERMINED IN THE LIGHT OF ALL THE CIRCUMSTANCES IN EACH PARTICULAR CASE, IT IS, NEVERTHELESS, APPROPRIATE TO FORMULATE BASIC PRINCIPLES AS GUIDANCE FOR SUCH DETERMINATION,

COMMENTS

WITH REGARD TO PARAGRAPH 7, ONE MEMBER PROPOSED THAT THE WORD " ARMED" BE INSERTED BEFORE THE WORD " FORCE". ONE MEMBER APPROVED THE ADDITION OF THE WORD " ARMED". ONE MEMBER OBJECTED TO THE WORDS " IN CONTRAVENTION OF THE CHARTER" AT THE END OF THE SENTENCE.

WITH REGARD TO PARAGRAPH 6, TWO MEMBERS RESERVED THEIR POSITION UNTIL RELATED PROVISIONS OF THE OPERATIVE TEXT HAVE BEEN AGREED UPON. ONE MEMBER RESERVED HIS POSITION AS TO THE SUBSTANCE OF THE PARAGRAPH, ASKING THAT A REFERENCE BE MADE TO THE PRINCIPLE OF TERRITORIAL INTEGRITY. END QUOTE.

2. COMMENT. PREAMBULAR PARA 5 (" CONSIDERING...") INCLUDED IN EXCHANGE FOR DELETION OF REFERENCE TO " WEAPONS OF MASS DESTRUCTION" IN LIST OF ACTS. WE BELIEVE THIS LANGUAGE REPRESENTS A SATISFACTORY SOLUTION OF THIS PROBLEM. AS NOTED IN " COMMENTS" SECTION, " TWO DELEGATIONS" (US AND CANADA) RESERVED THEIR POSITIONS ON PREAMBULAR PARA 6 (" REAFFIRMING...") PENDING AGREEMENT ON OPERATIVE PARA ON SELF- DETERMINATION (AND OTHER RELEVANT PORTIONS OF OPERATIVE TEXT). END COMMENT, BASSIN

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